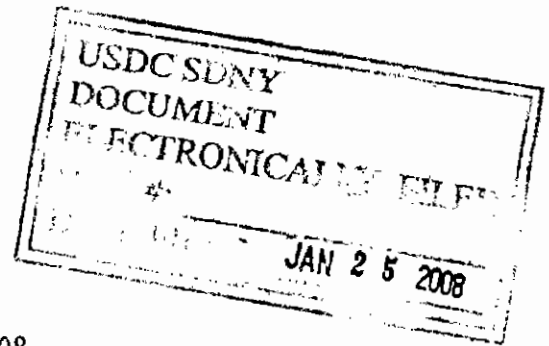


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January 25, 2008

By Fax: 212-805-0426

Hon. Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMORANDUM ENDORSED

The ECF system provides notice of the entry of this Order to each party that has both entered an appearance in this case and registered with ECF. The ECF-registered attorneys are responsible for providing notice to any co-counsel whose e-mail addresses are not reflected on the ECF docket for this case, and Plaintiff's counsel, upon receiving notice of this Order, is hereby ordered to fax or otherwise deliver promptly a copy to all parties who are not represented by ECF-registered counsel. A certificate of such further service shall be filed within 5 days from the date hereof. Counsel who have not registered for ECF are ordered to register immediately as filing users in accordance with the Procedures for Electronic Case Filing.

Re: Tennenbaum Capital Partners LLC v. Kennedy
07 Civ. 9695 (LTS)(DCF)

Dear Judge Swain:

This firm is counsel to Plaintiff. We write, with the consent of Defendant's counsel, to request an adjournment of the pre-trial conference which is currently scheduled for February 8, 2008 at 2:15 pm.

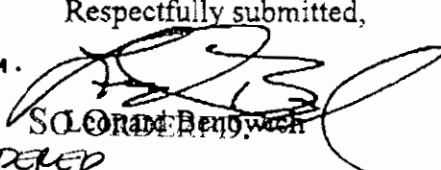
This is an action for damages under a \$10 million guaranty. As Your Honor may recall, the parties have entered into a stipulation adjourning Defendant's time to answer or move with respect to the Complaint for an indeterminate period of time. The parties have entered into this arrangement because Defendant has agreed to provide Plaintiff with certain financial information to see if this matter can be resolved.

Under the stipulation which was so-ordered by the Court, Defendant's time to respond to the complaint is adjourned *sine die*, provided, however, that Plaintiff may at any time, on seven (7) days notice, demand that Defendant respond thereto.

Counsel for both parties believe that under these circumstances, our efforts and resources - and the time and resources of the Court - would be served by adjourning the conference until a date to be set by the Court in the event that Plaintiff shall demand an answer to the Complaint.

The conference is adjourned
to a holding date of
May 2, 2008, at 10:00 AM.

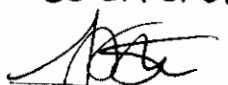
Respectfully submitted,


Stuart I. Friedman, Esq.

LB/gpb

cc: Stuart I. Friedman, Esq.
David Hollander

SO ORDERED

 1/25/2008
LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE